

In the Supreme Court of the United States

OCTOBER TERM, 1952

No. 703

**HOWELL CHEVBOLET COMPANY, A CORPORATION,
PETITIONER**

v.

NATIONAL LABOR RELATIONS BOARD

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT**

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD

The Acting Solicitor General files this memorandum on behalf of the National Labor Relations Board, and states that the Government does not oppose the granting of the writ of certiorari sought herein.

Although we believe the decision of the court below to be correct, the decision, insofar as it upholds the Board's jurisdiction over petitioner, is in conflict with the decision of the Court of Appeals

for the Sixth Circuit in the consolidated cases of *National Labor Relations Board v. Bill Daniels, Inc., and Walker Motors, Inc.* and *National Labor Relations Board v. Gilbert Motor Sales, Inc.*, not yet reported, decided January 20, 1953, rehearing denied, March 17, 1953. Because of the conflict and the importance of the question in the administration of the National Labor Relations Act, the Government intends to petition for a writ of certiorari to review the decision of the Court of Appeals for the Sixth Circuit in the above-mentioned cases.

It would in our view be appropriate for this Court in resolving the conflict to review both the instant decision and the cited decision of the Court of Appeals for the Sixth Circuit. For this reason we do not oppose the granting of a writ of certiorari.

Respectfully submitted,

ROBERT L. STERN,
Acting Solicitor General.

GEORGE J. BOTT,
General Counsel,
National Labor Relations Board.

MAY, 1953.